IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 6742 OF 2005
IN
CRIMINAL REVISION APPLICATION NO. 266 OF 2005

Dinesh Rane and another. ... Applicants.
Versus.
Ketan Asher & others. ... Respondents.

Shri Kapil Dave i/by Shri Girish Kulkarni for the Applicants.

Shri R.Y.Mirsa, A.P.P.for the Respondent.

CORAM : ABHAY S. OKA, J.

DATED : 14th October, 2005.

P.C.:

1. Rule. The learned Advocate for the Respondent No.1 waives service for the Respondent No.1. The learned A.P.P. waives service for the Respondent No.2.

Taken up for hearing forthwith.

2. My attention has been invited to the order dated 5th September 2005 passed by this Court in Criminal Revision Application No.266 of 2005. An assurance was given on behalf of the Applicants that a further amount of Rs.3,00,000/- will be deposited by the Applicant No.1 in the Revision Application within a period of one month from 5th September 2005. In accordance with the order dated 11th October 2005 passed by this Court in the present application, a sum of Rs.3,00,000/- has been deposited by the Applicants in the Sessions Court on

13th October 2005 and a further amount of Rs.5,000/- has been deposited by the Applicants. In view of the averments made in the Application, time to deposit Rs.3,00,000/- deserves to be extended. Prejudice caused to the Respondent No.1 can be compensated by ordering payment of costs.

3. Hence the Application is disposed of by the following order:

(i) Time for deposit of Rs.3,00,000/- fixed by the order dated 5th September 2005 in Civil Revision Application No.266 of 2005 is extended till 13th October 2005 and the deposit of Rs.3,00,000/- made by the Applicants on 13th October 2005 shall be treated as sufficient compliance with the order dated 5th September 2005.

(ii) The Respondent No.1 is permitted to withdraw the said sum of Rs.3,00,000/- in terms of clause (4) of the order dated 5th September 2005.

(iii) The Applicants have already deposited a sum of Rs.5,000/- in the Sessions Court on 13th October, 2005 by way of costs payable to the Respondent No.1. Respondent No.1 will

be permitted to unconditionally withdraw the amount of costs of Rs.5,000/-.

(iv) The Application is disposed of in the above terms.

(v) The parties and the concerned Court to act on an authenticated copy of this order.

Judge.